

REMARKS

Claims 1-30 are pending in the present application. Applicants elect Claims 1-20 of Group I and Species A for prosecution, with traverse. According to the Examiner, the inventions described by Groups I and II are distinct from one another since the apparatus, as claimed, can be used to practice another materially different process.

As indicated by the Examiner:

In this case the apparatus II can be used to execute operations without performing any energy efficiency measuring. (See, pg. 2, ¶2 of the Restriction Requirement mailed January 31, 2006.) (Emphasis added.)

Applicants respectfully disagree with the Examiner's contention. Claims 21 and 26 of Group II recite the following claim feature:

a resize circuit to adjust a number of active instruction schedulers of the micro-architecture according to an energy efficiency of a current architecture configuration. (Emphasis added.)

Applicants respectfully submit that resize circuit of both the clustered microarchitecture of Claim 21 and the system of Claim 26 requires some form of energy efficiency measuring to adjust the number of active instruction schedulers according to the energy efficiency of the current architecture configuration. Hence, Claims 21 and 26 of Group II require some form of energy efficiency measuring. Consequently, the apparatus of Group II cannot be used to execute operation without performing any energy efficient measuring, as indicated by the Examiner. (See, supra.)

Therefore, Applicants respectfully submit that the apparatus/system as claimed in Group II cannot be used to practice another materially different process from that claimed in Group I. Therefore, Applicants respectfully submit that Claims 21-30 of Group II are not distinct from Claims 1-20 of Group I since the apparatus, as claimed in Group II, cannot be used to practice another materially different process from that claimed in Group I. (MPEP §806.05(e).)

Accordingly, for at least the reasons indicated above, Applicants respectfully submit that the Examiner's Restriction Requirement under 35 U.S.C. §121 is erroneous and should be overturned since the claims of Group II do not recite an apparatus that can be used to practice another materially different process from the methods recited by Claims 1-20 of Group I.

Therefore, for at least the reasons described above, Applicants respectfully request that the Examiner reconsider and withdraw the Restriction Requirement between Group I, Claims 1-20, and Group II, Claims 21-30.

Respectfully submitted,

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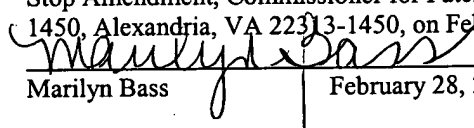
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February 28, 2006